

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

**Consent
Order of Restitution**

v.

JOSEPH BALESTRA

Docket No. S1 20 Cr. 645 (PAE)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Thomas A. McKay, Paul M. Monteleoni, and Aline R. Flodr, Assistant United States Attorneys, of counsel; the presentence report; the Defendant's conviction on Count One of the above Indictment; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

Joseph Balestra, the Defendant, shall pay restitution in the total amount of \$109,641.74, pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664, to the victims of the offense charged in Count One. The names, addresses, and specific amounts owed to each victim are set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of the Court is authorized to send payments to the new address without further order of this Court.

Restitution is joint and several with the following defendant(s) in the following case(s):
Thomas Caputo, Joseph Ruzzo, John Nugent, Frank Pizzonia, No. 20 Cr. 645 (PAE).

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the Defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the Defendant; and any financial obligations of the Defendant;

including obligations to dependents, the Defendant shall pay restitution in the manner and according to the schedule that follows:

1. \$16,031.06 is due and payable immediately pursuant to 18 U.S.C. § 3572(d)(1);
and
2. Any remaining restitution shall be paid, pursuant to 18 U.S.C. § 3572(d)(1) and (2),
in monthly installments of \$500 commencing one month after the later of the date
of the last defendant's sentencing in this matter or (if Balestra is sentenced to a term
of incarceration), Balestra's release from prison.

3. Payment Instructions

The Defendant shall make restitution payments by certified check, bank check, money order, wire transfer, credit card or cash. Checks and money orders shall be made payable to the "SDNY Clerk of the Court" and mailed or hand-delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The Defendant shall write his/her name and the docket number of this case on each check or money order. Credit card payments must be made in person at the Clerk's Office. Any cash payments shall be hand delivered to the Clerk's Office using exact change, and shall not be mailed. For payments by wire, the Defendant shall contact the Clerk's Office for wiring instructions.

4. Additional Provisions

The Defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Unit) of (1) any change of the Defendant's name, residence, or mailing address or (2) any material change in the Defendant's financial resources that affects the Defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k). If the Defendant discloses, or the Government otherwise

learns of, additional assets not known to the Government at the time of the execution of this order, the Government may seek a Court order modifying the payment schedule consistent with the discovery of new or additional assets.


5. Restitution Liability

The Defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the Defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the Defendant, the Defendant's estate will be held responsible for any unpaid

balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

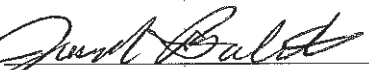
AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

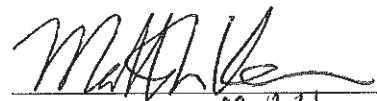
By: 
Thomas A. McKay
Paul M. Monteleoni
Aline R. Flodr
One Saint Andrew's Plaza
New York, NY 10007
Tel.: (212) 637-2268/2219/1110

1/4/22
DATE

JOSEPH BALESTRA

By: 
Joseph Balestra

DATE

By: 
~~Kevin Kearon, Esq.~~ Matthew Kellar, Esq.
666 Old Country Road, Suite 700
Garden City, NY 11530
Tel: (516) 745-1500

1/4/2022
DATE

SO ORDERED:


HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

1/4/2022
DATE

EXHIBIT A – SEALED SCHEDULE OF VICTIMS